

भारत का राजपत्र **The Gazette of India.**

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड—2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th April, 1968:—

BILL No. 34 of 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title, 1968.
2. In sub-clause (a) of clause (2) of article 31A of the Constitu- Amend-
 tion, for the word "Madras", the word "Tamilnadu" shall be substi- ment of
 tuted. article 31A.
3. In sub-clause (a) of clause (1) of article 168 of the Constitu- Amend-
 tion, for the word "Madras", the word "Tamilnadu" shall be substi- ment of
 tuted. article 168.

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Amend-
ment of
article
290A.

4. In article 290A of the Constitution, for the word "Madras".
the word "Tamilnadu" shall be substituted.

Amend-
ment of
the First
Schedule.

5. In the First Schedule to the Constitution, under the heading
"I. The States", in the column containing the names of the States,
in entry 7, for the word "Madras", the word "Tamilnadu" shall be 5
substituted.

Amend-
ment of
the Fourth
Schedule.

6. In the Fourth Schedule to the Constitution, under the heading
"Table", in the column containing the names of the States, in entry
8, for the word "Madras", the word "Tamilnadu" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In a democracy, the legitimate wishes and aspirations of the people should be respected by the Government. The people of Tamilnadu have long been agitating for a change in the name of Madras State to "TAMILNADU". The nomenclature of "Madras State" was given by the British and now that the composite State of Madras has been reorganised on linguistic basis, the present residuary State of Madras should have been named as 'Tamilnadu', which is in full conformity with its historical, linguistic and cultural traditions. Even now, the Government of Madras use the word "Tamilnadu" in their statements and publications in Tamil; but the English versions do not employ the word "Tamilnadu", as, it is said, there is no constitutional sanction for it. It is but proper that the sentiments and aspirations of the millions of Tamilians should be respected and the name of the State changed to "TAMILNADU".

Hence this Bill.

NEW DELHI;

ERA SEZHIYAN.

The 18th March, 1967.

E

BILL NO. 32 OF 1968

A Bill to consolidate and amend the law relating to the grant of pension, gratuity and Dearness Allowance payable by the Central Government to its employees, or their dependents, on retirement, voluntary or otherwise, or on death of the Government Servant.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short
title.
extent and
com-
mence-
ment.

1. (1) This Act may be called the Indian Pensions Act, 1968.

5

(2) It shall extend to the whole of India but shall not apply to persons serving in ALL INDIA SERVICES or in any wing of the Armed Forces of the country.

(3) It shall come into force at once.

5 2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "dependents" mean and include a wife, husband, parents, child, minor brother, unmarried sister, deceased son's widow and children and where no parent is alive, a paternal grand parent;

10 (b) "emoluments" include salary and Dearness Allowance and other allowances paid to an officer or servant;

(c) "pensioner" means and includes a person, who served the Central Government and has retired or retires voluntarily or otherwise after this Act comes into force, and is getting or
15 hereafter becomes entitled to get a pension under this Act;

(d) "pension" means the emoluments being paid or hereafter become payable to a Central Government servant on retirement; and includes the amount of Dearness Allowance, by whatever name it may be called, payable to the pensioners;

20 (e) "salary" includes monthly pay and allowances other than the Dearness Allowance paid to an officer or servant.

CHAPTER II

Rights to pension, gratuity and Dearness Allowance

25 3. Every officer or servant of the Central Government, who has completed five years of service, shall, on retirement owing to infirmity or invalidation, be entitled to get gratuity as hereinafter provided in section 5.

Retire-
ment
owing to
infirmity
or invali-
dation.

30 4. An officer or servant of the Central Government, who retires or is retired after completion of ten years of service shall be entitled to get gratuity, pension and dearness allowance as provided hereinafter in sections 5, 6 and 7 respectively.

Retire-
ment on
comple-
tion of
ten years
of service.

35 5. An officer or servant of the Central Government, who retires in the manner indicated in sections 3 or 4 shall for every five years of service or part thereof be paid gratuity at five times the average monthly emoluments drawn by him during the last three months of that period:

Payment
of gra-
tuity.

Provided that the amount of gratuity payable shall in no case be less than twelve times and more than twenty times the average monthly emoluments aforesaid.

Payment
of pen-
sion,

6. An officer or servant of the Central Government shall on retirement under section 4 above be paid monthly pension of an amount 5 equal to two-thirds of the salary drawn by the officer or servant concerned in the last month immediately preceding the date of his retirement, or the average monthly salary drawn by him during the last six months preceding his retirement, whichever is greater.

Payment
of Dear-
ness Al-
lowance,

7. In addition to the pension payable under section 6 above, an 10 officer or servant of the Central Government shall on retirement under section 4 above, be also paid the same dearness allowance from time to time on the amount of pension granted under section 6, as is paid to the officers or servants serving under the Central 15 Government.

CHAPTER III

Gratuity, Pension and Dearness Allowance payable to dependents

Payments
to depen-
dents in
case of
death
while in
service,

8. If an officer or servant of the Central Government dies while in service, his dependents shall be paid for a period of 12 years the same amount of gratuity, pension and dearness allowance as the 20 officer or servant would have got on retirement under sections 3 and 4 above.

Payment
to widow
in case of
death
after re-
tirement,

9. If an officer or servant of the Central Government dies after retirement, his surviving widow shall be paid till she survives the same amount of pension and dearness allowance as the officer or 2 servant would have received during his life time.

Payment
to depen-
dents in
case of
death
within 15
years of
retire-
ment.

10. If an officer or servant of the Central Government dies within 15 years of his retirement and has left no surviving widow, his other dependents shall be paid for the remaining period of 15 years the same amount of pension and dearness allowance, which the officer 3 or servant would have received had he been living.

CHAPTER IV

Miscellaneous Provisions

Commu-
tation of
pension,

11. (1) If a retired officer or servant of the Central Government desires to commute a part of the amount of monthly pension paid to 5

him under section 6 of the Act, he shall give a written notice to this effect to the Government concerned.

(2) On receipt of the aforesaid notice, the Central Government shall pay to the officer or servant an amount, which shall be 250 times the amount of pension concerned:

Provided that not more than half the amount of the monthly pension payable under section 6 of the Act shall be allowed to be commuted.

10 12. The officers or servants of the Central Government, who have retired before the coming into force of this Act, shall, from the date of its commencement, be paid in addition to the amounts of their monthly pension, the same amount of dearness allowance on the amount of pension drawn by them as is paid from time to time to officers or servants serving under the Government.

Payment of Dearness Allowance to pensioners who retired before commencement of this Act.

15 13. The provisions of sections 8, 9, 10 and 11 shall apply to all officers or servants of the Central Government who have retired before the coming into force of this Act.

Application of sections 8 to 11 to pensioners who retired before commencement of this Act.

20 14. (1) An officer or servant of the Central Government may at any time while in service nominate any one or more of his dependents to receive after his death the gratuity, pension and Dearness allowance payable under this Act. Payment to such a nominee shall relieve the Government of all liabilities arising out of any claim under this Act.

Nomination of dependents for purposes of gratuity, pension etc.

25 (2) In the event of the officer or servant having failed to nominate any of his dependents as aforesaid, the Government shall cause enquiries to be made to find out if the deceased has left any dependents, and if so, shall pay to such dependent whatever is admissible under this Act.

30 15. No amount of gratuity, pension or Dearness Allowance payable under this Act shall be liable to seizure or attachment by any Court.

Immunity from seizure or attachment.

Other
pension-
ary bene-
fits as to
medical
or educa-
tional
facilities.

16. In addition to the amount of gratuity, pension or dearness allowance payable under this Act, all officers or servants of the Central Government shall on retirement be given the same medical and educational facilities as are given from time to time to serving officers or servants of the Central Government.

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Repeal

17. The Pensions Act, (XXIII of 1871) and all rules, regulations or orders under which pensions are so far being paid to Central Government officers or servants are hereby repealed from the date this Act comes into force.

**XXIII of
1871.**

STATEMENT OF OBJECTS AND REASONS

The present pension rules do not meet the genuine demand of Government pensioners. These were framed during the British times. The Government of India has revised them but still they do not provide for adequate pension, gratuity and dearness allowance to dependents. Commutation Scheme also does not take into consideration the changes in expectancy of life.

Governments in Europe, America and Asia have changed pension regulations and rules many a time by appointing Commissioners. The Government of India has so far not done it.

In spite of sharp rise in cost of living the pensioners have not been paid adequate dearness allowance.

It is essential that statutory provisions should be made to regulate these matters.

Hence this Bill.

NEW DELHI;
The 27th February, 1968.

CHAUDHARY NITIRAJ SINGH.

FINANCIAL MEMORANDUM

The scheme of this Bill is to provide adequate pension, gratuity, dearness allowance to dependents of Central Government employees on retirement.

The Bill also provides for a revised procedure for commutation of pensions.

The actual expenditure which the Central Government would be required to incur for implementing the provisions of this Bill, cannot be correctly estimated, but it is likely to be about rupees one crore per year.

BILL No. 33 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1968. Short
title
and
com-
mence-
ment.
- (2) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

Substi-
tution
of article
220.

2. For article 220 of the Constitution, the following articles shall be substituted, namely:—

Restric-
tion on
practice
after
being a
Judge.

“220. No person who, after the commencement of this Constitution, has held office as a Judge or Additional Judge of a High Court shall plead or act in any court or before any autho-⁵ rity in India except the Supreme Court and the other High Courts.

Prohibi-
tion as
to the
holding of
offices.

220A. No person who, after the commencement of this Constitution, has held office as a Judge or Additional Judge of a High Court shall be eligible for further office either under the¹⁰ Government of India or under the Government of any State after he has ceased to hold his office.”

STATEMENT OF OBJECTS AND REASONS

Our Constitution contains various safeguards to ensure the independence of Judges when they are in office, but it provides none for this very independence in so far as it may be affected by prospects after Judges' retirement. Appropriate provisions exist which debar the Comptroller and Auditor-General of India and the members of the Union and State Public Service Commissions from employment by the Union or the State Governments after their retirement but such provisions at present do not exist in the case of High Court Judges where similar considerations do apply. Article 220 of the Constitution is only applicable to persons who have been permanent Judges of a High Court. It is essential that restriction on practice and prohibition as to the holding of office after retirement should also apply to a person who has worked as a Judge or Additional Judge of a High Court in India. It has happened, as a matter of fact, that a person working as an officiating Judge of a High Court before confirmation and after resigning starts practice in that very court where he once sat as a Judge. The Law Commission has also testified that the existing provisions are not satisfactory and can affect judicial independence. Thus the proposed amendments are necessary for ensuring and strengthening judicial independence which is absolutely necessary for enforcing the rule of law.

Hence this Bill.

NEW DELHI;

OM PRAKASH TYAGI.

The 4th March, 1968.

S. L. SHAKDHER,
Secretary.

